



**MINUTES
of the
TWO HUNDRED NINETY-FIFTH MEETING
of the
LEGISLATIVE COUNCIL
July 29, 2005
Santa Fe**

The two hundred ninety-fifth meeting of the Legislative Council was called to order on Friday, July 29, at 10:25 a.m. in Room 307 of the State Capitol by Speaker Ben Lujan, Co-Chair.

PRESENT

Senator Ben D. Altamirano, Co-Chair
Representative Ben Lujan, Co-Chair
Senator Joseph A. Fidel
Representative Terry T. Marquardt
Representative Rick Miera
Senator Leonard Lee Rawson
Representative Jeannette O. Wallace

ABSENT

Senator Pete Campos
Senator Kent L. Cravens
Representative Ted Hobbs
Senator Stuart Ingle
Senator Timothy Z. Jennings
Representative W. Ken Martinez
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Donald L. Whitaker

Special Advisory Members Present

Representative Donald E. Bratton
Senator Dianna J. Duran
Representative Justine Fox-Young
Senator Mary Jane M. Garcia
Representative Patricia A. Lundstrom
Representative James Roger Madalena
Senator Cisco McSorley
Representative Al Park
Senator John Arthur Smith
Representative Joe M Stell

Special Advisory Members Absent

Senator Carlos R. Cisneros
Senator John T.L. Grubestic
Representative Irvin Harrison
Senator Steven P. Neville
Senator William H. Payne
Senator Lidio G. Rainaldi
Representative Debbie A. Rodella
Representative Teresa A. Zanetti

Staff

Paula Tackett, Director, Legislative Council Service
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration
Raúl Burciaga, Assistant Director for Drafting Services
Jeret Fleetwood, Locator Coordinator

The co-chairs of the council appointed Representatives Bratton and Lundstrom and Senator Garcia to serve as voting members of the council, moving Representatives Martinez and Stapleton and Senator Campos to advisory members for this meeting only.

On motion made, seconded and unanimously passed, the minutes of the June 29, 2005 meeting of the Legislative Council were approved as submitted.

INTERIM COMMITTEE WORK PLANS AND BUDGETS

Interim committee work plans and budgets were presented by the appropriate LCS staff members. A copy of each work plan and budget is attached to the original of these minutes.

The work plan of the Public Employee Benefits Oversight Subcommittee, which is predominantly looking at benefit programs, was amended to include items relating to:

- the authority of the Executive Branch to change benefit programs through the General Services Department and the Department of Finance and Administration; and
- the eligibility of employees of the Sierra Vista Hospital a public entity, to be covered under a state benefit plan.

The amended work plan, meeting dates and a budget of \$8,479.15 for voting members and \$10,592.55 for advisory members were approved.

The work plan of the Election Reform Task Force was amended to include an item regarding the filing date for general election candidates. The issues of clarification of rural addresses and status of counties under federal consent decrees were also raised. The council also discussed the allocation of magistrate judges around the state and certain areas that do not have enough magistrate judges bringing in visiting judges, which results in individuals not elected from that area making judicial decisions for that area. Staff noted that either the Election Reform Task Force or the Courts, Corrections and Justice Committee could look at the issue, or that staff could research it independently of an interim committee. The amended work plan, meeting dates and a budget of \$28,217.77 for voting members and \$20,472.64 for advisory members were approved.

The work plan, meeting dates and a budget of \$82,295 for the Funding Formula Study Task Force were approved as submitted. The council discussed the actuarial soundness of the Educational Retirement Fund. Senator Smith noted that several bills addressing the fund were vetoed by the governor after the last session and that all the parties involved need to come together to develop a solution. Staff was directed to research the issue of getting an independent third-party opinion on the retirement fund and present the results at a later council meeting.

The work plan, meeting dates and a budget of \$34,877.12 for the Public School Capital Outlay Oversight Task Force were approved as submitted. The council discussed the *Zuni* lawsuit and whether it is appropriate to continue to dedicate a percentage of the severance tax revenue to public school capital outlay in years when the state has a large amount of non-recurring revenue. Representative Miera reminded the council that the *Zuni* lawsuit is not over yet, and that dedicating a flat amount of revenue to public schools, rather than the dedicated percentage reviewed and approved by the court, might cause a judge to come back and re-examine the situation. Staff was directed to prepare a briefing on the status of the percentage of

dollars going into the Severance Tax Permanent Fund at a later meeting. The council also discussed a situation with capital outlay affecting the Gadsden School District. Staff was directed to update the council on these issues at its next meeting.

OTHER BUSINESS

Senator Rawson presented the council with a proposed change to the council policy regarding travel to out-of-state meetings of organizations to which New Mexico is not a dues-paying member. He explained that the revised policy would allow members to attend more than one such meeting with the approval of the council. Members of the council indicated that they believe the current arrangement works well.

Senator Altamirano reminded the council that a legislative reform committee had looked at the interim process several years ago and discussed the large number of interim committees and the substantial overlap in membership that make it difficult for members to attend all the meetings of the committees to which they are assigned. Senator Altamirano asked the council to direct staff to conduct a study of the interim committee process and come back with recommendations on how the interim committee process would be done differently.

Speaker Lujan also reminded the members that they are expected to attend most, if not all, interim committee meetings for which they claim per diem. He noted that while it is difficult for members to police their peers, it is also unfair to those members who attend an entire meeting for other members to show up for a short time and then claim per diem.

Ms. Pacheco-Dofflemeyer clarified the provision on interim committee vouchers that now allows a member to receive an additional day of per diem if the member travels more than 100 miles to an interim committee meeting and is not claiming an actual travel day. She explained that members may still claim a travel day on their vouchers if they travel the day before or the day after a meeting, or they may receive an extra day of per diem for traveling to the meeting on the day of the meeting, but they may not do both. She also indicated that confusion by staff over what members actually claim only increases the processing time for vouchers, thereby lengthening the time it takes for members to get their checks. She also emphasized that requesting an extra day of per diem is up to individual members.

Representative Bratton asked if it might be possible, for educational purposes, for a member to pick a committee to sit on during each interim, in addition to the assignments handed out by the Legislative Council. Ms. Tackett indicated that the issue could be included in the study requested by Senator Altamirano regarding the number of interim committees.

STAFF REPORTS

Ms. Tackett noted that the State Land Office is organizing the United States/Mexico Border Energy Forum, to be held October 13 and 14 in Santa Fe. The council authorized members to receive per diem for attending the conference and directed staff to notify members.

Ms. Tackett also informed the council that while the account for advisory members to interim committees contained \$250,000, the council had approved over \$400,000 in budgets for

advisory members and requested permission from the council to transfer money from the interim expenses account to the advisory members account in order to cover the difference if such a transfer becomes necessary. The council authorized the transfer.

There being no further business, the council adjourned at 12:05 p.m.